

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2777 of 2022

Prabhash Kumar S/o Late Bhim Sao R/o Vill- Bagodar, P.S.- Bagodar, Distt- Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. State of Bihar through Secretary Department of Excise, Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Nawada at Nawada.
4. The Superintendent of Excise, Nawada at Nawada.
5. Inspector Excise, Samekit Janch Chouki, Rajauli, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That the present writ petition is being filed for direction to respondent no. 5, to release the Maruti Vitara Breeza vehicle having registration no. JH 10BG 4446 engine no. D13A 5482484, to which petitioner is registered owner which has been seized by respondent no. 5 in connection with GO case no. 710/21 dt. 15/12/2021 u/s 30(a) of the Bihar Prohibition of Excise Act, 2018, is directed in the following facts and circumstances of the case.”

Learned counsel for the State has filed counter affidavit

in which it has been stated that confiscation order has been passed by the Confiscating Authority/District Magistrate, Nawada vide order dated 22.02.2022, which has been annexed as Annexure-B to the counter affidavit.

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

During pendency of appeal, the confiscated vehicle shall not be auction sold, if not already auction sold.

With aforesaid liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA